

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 16th day of July, 2012 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight Mayor  
Vickie Abrego Mayor Pro Tempore  
James A. Mills Council Member  
Billy Ellis Council Member  
Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE  
PERSONNEL PRESENT: Allen Lawrence City Attorney  
Reggie Winters City Manager  
Yvonne Stonebraker City Secretary

ADMINISTRATIVE  
PERSONNEL ABSENT:

STAFF PRESENT: Eric Blanchard Police Chief  
Frank Truitt City Inspector  
Earl Buckmaster Harbormaster  
Paul Alvarado Public Works Director  
Rickie Kilgore Fire Chief  
Sandy Roddel Finance Director

OTHERS PRESENT: Commissioner Jack Chaney, Donald & Jeanie Brummett, Emmett and Carolyn Chiles, Bill Hughes, Rosita Gonzales, David Gonzales, Mark Kuenstler, Natalie Roach, Capt. Tom Doran, Phil & Nell Reynolds, Jim Covington, Mike & Jan Moore, Commissioner Jim Price, Russell & Linda Howe, Grant Erickson, Randy & Jeanne Hunter, Terry & Carol Orf, Ron and Donna Howe, Christie Pruitt, Kyle Alston, Ryan Terrell, Sylvia Moreno, David Underbrink, Jacob Atcher, Patsy Lawrence, Randall & Naomi Freeze.

*There may have been others present who did not sign in.*

1. CALL MEETING TO ORDER.

Mayor Knight called the Meeting to order at 7:03 P.M. on July 16, 2012.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Mayor Pro Tem Abrego gave the Invocation and Mayor Knight led the Pledge of Allegiance to the United States Flag.

3. CONSENT AGENDA.

A. CONSIDER AND ACT ON MINUTES OF JULY 2, 2012.

B. CONSIDER ANDACT ON ORDINANCE NO. 2012-4011 – AN ORDINANCE OF THE CITY OF ARANSAS ASS, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO ARNULFO DEAN DAVILA TO OPERATE A MECHANIC AND TIRE REPAIR SHO AT 342 N. COMMERCIAL, BEING LOTS 26, 27 &28, BLOCK 517, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS SUBJECT TO CONDITIONS SETFORTH.

C. CONSIDER AND ACT ON ORDINANCE NO. 2012-4012 – AN ORDINANCE AMENDING CHAPTER 28, TRAFFIC BY ADDING A NEW ARTICLE VI, GOLF CARTS.

- D. CONSIDER AND ACT ON RESOLUTION NO. 2012- 676 – A RESOLUTION ESTABLISHING GOLF CART LICENSE FEE.
- E. CONSIDER AND ACT ON ORDINANCE NO. 2012-4013 – AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS BY AMENDING SECTION 10-201(5) OF ORDINANCE 1308.

Council Member Hyatt made a motion to approve the consent agenda. Council Member Ellis seconded the motion and the motion carried unanimously.

4. CONSIDER AND ACT ON APPROVING REQUEST OF TERRY ORF TO CLOSE, ABANDON, AND VACATE A SEGMENT OF AN UNIMPROVED PORTION OF ARCH STREET LYING BETWEEN RHODES AVENUE AND PRECEEDING SOUTH TO THE RAILROAD RIGHT-OF-WAY AT BEASLEY AVENUE BEING TRACT 1, BLOCK V OF BURTON AND DANFORTH SUBDIVISION.

City Attorney Allen Lawrence stated the City of Aransas Pass had notified all property owners and only one property owner responded to the closing of the unimproved portion of Arch Street. City Attorney Lawrence stated a survey needed to be performed to have an exact description of said property.

Mr. Orf stated the property owner who was denying the closing of said property was worried he would not have access to his property because of a right-of-way for the railroad tracks beside the property. He stated he received a letter from Mr. James Meza, Sr. Mgr. Real Estate, for Union Pacific Railroad. He stated Mr. Meza researched their records and could not find a roadway agreement in effect for that portion of Arch Street and supported the closing and abandoning of that portion of Arch Street. Mr. Orf stated he would pay for the survey of that portion of Arch Street.

Council Member Ellis made a motion to approve the request of Terry Orf to close, abandon, and vacate a segment of an unimproved portion of Arch Street lying between Rhodes Avenue and preceeding south to the railroad right-of-way at Beasley Avenue being Tract 1, Block V of Burton and Danforth Subdivision subject to Mr. Orf having a survey performed. Council Member Hyatt seconded the motion and the motion carried with Mayor Pro Tem Abrego abstaining from the vote.

5. CONSIDER AND ACT ON REIMBURSING TENT RENTAL FOR 4<sup>TH</sup> OF JULY HARBOR CELEBRATION FROM THE CITY OF ARANSAS PASS GENERAL FUND NOT TO EXCEED \$2,700.00.

Passed on.

6. PUBLIC HEARING ON REQUEST OF RUSSELL HOWE FOR A CONDITIONAL USE PERMIT TO RESIDE IN MANUFACTURED HOME WHILE IN PROCESS OF BUILDING NEW HOME. THE PROPERTY IS DESCRIBED AS TR. 7, OUTLOT 46, 4 ACRES ABST/SUB ID S 1266, 708 W. RHODES, ARANSAS PASS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (R-16) RESIDENTIAL DISTRICT.

City Attorney Allen Lawrence opened the Public Hearing at 7:14 P.M. and asked if Mr. Howe was present to speak for his request. City Attorney Lawrence stated Mr. Howe went before the Planning and Zoning Committee and the Committee denied the request.

Mr. Russell Howe stated he had gone to the Inspections Department and spoke with City Inspector Truitt about living in a manufactured home on his piece of property located at 708 W. Rhodes while having a house built. Mr. Howe stated he thought he had done everything correctly.

City Inspector Frank Truitt stated he had approved Mr. Howe living in a modular home, not a manufactured home. He stated a modular home has a red Texas seal on the plans and manufactured home plans do not have a red Texas seal.

City Attorney Lawrence asked if there was anyone present to speak against Mr. Howe's request.

Mr. Emmet Chiles stated he did not believe Mr. Howe received a permit to move the home onto the property because it (the home) was moved onto the property on a Saturday.

Mr. David Gonzales stated he opposed mobile homes moving in south of Commercial Street. He stated once Mr. Howe finished building his home, it would be an asset to the community.

Attorney Lawrence closed the Public Hearing at 7:25 P.M.

7. CONSIDER AND ACT ON REQUEST OF RUSSELL HOWE FOR A CONDITIONAL USE PERMIT TO RESIDE IN MANUFACTURED HOME WHILE IN PROCESS OF BUILDING NEW HOME. THE PROPERTY IS DESCRIBED AS TR. 7, OUTLOT 46, 4 ACRES ABST/SUB ID S 1266, 708 W. RHODES, ARANSAS PASS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (R-16) RESIDENTIAL DISTRICT.

Council Member Mills made a motion to approve a Conditional Use Permit for Mr. Russell Howe to live in a manufactured home while his home was built (not to exceed 1 year beginning tonight July 16, 2012). Mayor Pro Tem Abrego seconded the motion and the motion was denied with Council Member Hyatt, Council Member Ellis and Mayor Knight voting no.

8. PUBLIC HEARING ON REQUEST OF SYLVIA MORENO FOR A CONDITIONAL USE PERMIT TO OPERATE A BAR AND GRILL. THE PROPERTY IS DESCRIBED AS LOTS 39, 40, 41 & 42, BLOCK 7, FRICKS ADDITION, 0.321 ACRES, 1152 S. COMMERCIAL STREET, ARANSAS PASS, SAN PATRICIO, COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS.

City Attorney Lawrence opened the Public Hearing at 7:33 P.M. and asked if Ms. Moreno was present to speak for her request.

Ms. Sylvia Moreno stated she would like to open a bar and grill where the old Time Out Sports Bar used to be. She stated her hours would be from 10:00 A.M. to 2:00 A.M. She stated she would like the bar and grill to be family oriented but would not allow any minors after 9:00 P.M. She stated she would only sell beer and wine.

Attorney Lawrence asked if there was anyone present to speak in favor of this request.

There were none.

Attorney Lawrence asked if there was anyone present to speak against the request.

There was none.

Attorney Lawrence closed the Public Hearing at 7:36 P.M.

9. CONSIDER AND ACT ON REQUEST OF SYLVIA MORENO FOR A CONDITIONAL USE PERMIT TO OPERATE A BAR AND GRILL. THE PROPERTY IS DESCRIBED AS LOTS 39, 40, 41 & 42, BLOCK 7, FRICKS ADDITION, 0.321 ACRES, 1152 S. COMMERCIAL STREET, ARANSAS PASS, SAN PATRICIO, COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS.

Council Member Hyatt made a motion to approve the request of Sylvia Moreno for a Conditional Use Permit to operate a bar and grill. The property is described as Lots 39, 40, 41 & 42, Block 7, Fricks Addition, 0.321 Acres, 1152 S. Commercial Street, Aransas Pass, San Patricio, County. The property is zoned (GB) General Business. Council Member Ellis seconded the motion and the motion carried unanimously.

10. PUBLIC HEARING ON REQUEST OF MARK KUENSTLER FOR A CONDITIONAL USE PERMIT TO OPERATE A USED CAR LOT. THE PROPERTY IS DESCRIBED AS LOTS 17 THRU 24, BLOCK 522, ARANSAS PASS TOWNSITE, 812 N. COMMERCIAL STREET, CITY OF ARANSAS PASS, ARANSAS COUNTY, TEXAS. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS.

Attorney Lawrence opened the Public Hearing at 7:33 P.M. He asked if Mr. Kuenstler was present to speak for her request.

Mr. Kuenstler stated he was requesting a Conditional Use Permit for a used car lot at 1152 S. Commercial. He stated it would be a family owned business and there would be no mechanic work performed on the property and he would have no more than 20 cars at one time.

Attorney Lawrence asked if there was anyone present to speak against Mr. Kuenstler's request.

There was none.

Attorney Lawrence closed the Public Hearing at 7:36 P.M.

11. **CONSIDER AND ACT ON REQUEST OF MARK KUENSTLER FOR A CONDITIONAL USE PERMIT TO OPERATE A USED CAR LOT. THE PROPERTY IS DESCRIBED AS LOTS 17 THRU 24, BLOCK 522, ARANSAS PASS TOWNSITE, 812 N. COMMERCIAL STREET, CITY OF ARANSAS PASS, ARANSAS COUNTY, TEXAS. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS.**

Council Member Ellis made a motion to approve the request of Mark Kuentler for a Conditional Use Permit to operate a used car lot. The property is described as Lots 17 thru 24, Block 522, Aransas Pass Townsite, 812 N. Commercial Street, City of Aransas Pass, Aransas County, Texas. The property is zoned (GB) General Business. Council Member Hyatt seconded the motion and the motion carried unanimously.

12. **CONSIDER AND ACT ON RESOLUTION – 2012-677 – A RESOLUTION BY THE CITY OF ARANSAS PASS SUPPORTING COMMISSIONER JIM PRICE’S EFFORTS TO CONSTRUCT AND ERECT A PAVILION IN THE ARANSAS PASS COMMUNITY PARK.**

Mayor Knight stated Resolution 2012-677 – was not completed but would be shortly.

Commissioner Price stated the funds for the pavilion were from 2005 energy bills and off shore gas leases. He stated the San Patricio County Judge had a lot of City of Aransas Pass residents show up for the Commissioners meeting and about 50 letters in support of the pavilion for Aransas Pass. He stated there was \$624,347 funds available for the project and there would be no matching funds or strings attached. The City of Aransas Pass would be responsible for the up keep of the pavilion. He stated the pavilion would need to be used for educational purposes: teachings on sea grass, wildlife, fish, outdoor education and utilized by the area schools. Mr. Price stated the plans show the building as one hundred foot by one hundred twenty-five foot (100' x 125'). He stated he would like to see the size of the building as one hundred foot by one hundred fifty foot (100' x 150').

Council Member Hyatt made a motion to approve Resolution No. 2012-677 (upon its completion) by the City of Aransas Pass supporting Commissioner Jim Price's efforts to construct a pavilion in the Aransas Pass Community Park. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

13. **CONSIDER AND ACT ON APPROVING A PROPOSAL BY REVIZE SOFTWARE SYSTEMS FOR WEBSITE DESIGN AND CONTENT MANAGEMENT.**

Passed on.

14. **CONSIDER AND ACT ON ADOPTING THE CONN BROWN HARBOR PARK PLANS AND PROCEEDING WITH PROJECT.**

Mr. Dave Sullivan, Naismith Engineering, stated he had the final Conn Brown Harbor plans with all requested changes. He stated there were 125 parking spaces that are 50' x 12', added length to the docks, inserted kayak launch, moved the fish cleaning station and making the parking by the fish cleaning station parallel parking. He also stated the initial parking would be asphalt.

Mayer Pro Tem Abrego stated she would like for Naismith to begin as soon as possible, hopefully by October 1, 2012.

Council Member Hyatt asked Mr. Sullivan if there would be a performance clause in the contract in case the project wasn't finished in time.

Mr. Sullivan stated most contracts have performance clause dealing with that.

Council Member Ellis made a motion to adopt the Conn Brown Harbor Park plans and proceeding with the project. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

15. **CONSIDER AND ACT ON PROPOSED PLANNING CALENDAR FOR FUNDING WATER IMPROVEMENT PROJECTS.**

City Manager Winters stated the City of Aransas Pass needed to obtain Certificates of Obligation to fund a new water tower, new waterlines and more radio read meters. He stated Finance

Director Roddel drew up a calendar showing the meetings the City of Aransas Pass had to have to obtain Certificates of Obligation to fund the requested projects.

Council Member Hyatt made a motion to approve the proposed planning calendar for funding water improvement projects. Council Member Ellis seconded the motion and the motion carried.

**16. REVIEW AND DISCUSS FINANCIAL REPORTS.**

City Manager Winters stated on the first page of the financials was a cash balance summary report. He stated there was an increase in sales tax of \$140,000. He stated property appraisals would not be out until August. City Manager Winters stated all departments were still within their budgets.

**17. CITIZENS' COMMENTS.**

Capt. Tom Doran stated the green dotted line on the new Conn Brown Harbor Park plans crossed on to his property.

Mayor Knight stated the green dotted line was an exaggerated line showing the harbor park boundary and would in no way interfere with his leased property.

Commissioner Jack Chaney congratulated the Mayor and Council for moving in the right direction to develop the City of Aransas Pass.

**18. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Knight recessed the Regular Meeting and retired into Executive Session at 8:08 P.M.

**A. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – CITY OF INGLESIDE VS CITY OF ARANSAS PASS**

**19. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Knight reconvened the Regular Meeting at 8:31 P.M.

**A. SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – CITY OF INGLESIDE VS CITY OF ARANSAS PASS**

No action taken.

**20. ADJOURNMENT OF MEETING.**

Council Member Hyatt made a motion to adjourn the meeting. Council Member Ellis seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:31 P.M.

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Tommy Knight, Mayor

ATTEST:

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Yvonne Stonebraker, City Secretary